



**SO ORDERED.**

**SIGNED this 23 day of March, 2015.**

*Stephani W. Humrickhouse*

**Stephani W. Humrickhouse  
United States Bankruptcy Judge**

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**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
RALEIGH DIVISION**

**IN RE:**

**CYNTHIA WATKINS FRY AKA  
CYNTHIA JEAN WATKINS AKA  
CYNTHIA WATKINS GODWIN  
DEBTOR(S)**

**13-04320-8-SWH  
CHAPTER 13**

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**CONSENT ORDER ALLOWING CONDITIONAL  
RELIEF FROM THE AUTOMATIC STAY**

**THIS CAUSE** coming on to be heard before the Court, and it appearing to the Court that Federal National Mortgage Association ("Fannie Mae"), creditor c/o Seterus, Inc., the creditor, and the Debtor have agreed and consented to the entry of this Order allowing the conditional relief from the automatic stay pursuant to the agreement of the parties as set forth below:

**NOW THEREFORE**, with the agreement and consent of the parties, the Court makes the following:

**FINDINGS OF FACT**

1. On July 10, 2013, the Debtor, Cynthia Watkins Fry aka Cynthia Jean Watkins aka Cynthia Watkins Godwin, filed a petition with the Bankruptcy Court for the Eastern District of North Carolina under Chapter 13 of Title 11 of the United States Code.
2. On the date the petition was filed, the Debtor was the owner of real property ("Property") located at 901 Olivia Way, Selma, NC 27576.
3. The Property is subject to the first lien of the Movant by Deed of Trust recorded in the Johnston County Public Registry ("Deed of Trust").

4. Said Deed of Trust secures a Note from the Debtor to American Security Mortgage Corporation, in the original principal amount of \$229,000.00, dated December 7, 2007 ("Note").

5. The Note and Deed of Trust have been transferred and assigned to Federal National Mortgage Association ("Fannie Mae"), creditor c/o Seterus, Inc..

6. The Debtor has defaulted in the payment of the mortgage payments to be made outside of the plan. The amount of the default as of March 3, 2015 is \$4,934.24. A breakdown of the default is as follows:

4 payments at \$1,245.89 for 10/1/214 - 1/1/2015	\$4,983.56
Suspense balance	\$-49.32
TOTAL ARREARAGE	\$4,934.24

7. Federal National Mortgage Association ("Fannie Mae"), creditor c/o Seterus, Inc. and the Debtor have agreed and consented to entry of this Order as shown by the signatures of counsel for the parties appearing below.

**NOW THEREFORE**, by virtue of the law and by reason of the premises aforesaid, and the consent of the parties, it is Ordered, Adjudged and Decreed as follows:

- A. The Debtor shall cure the remaining post-petition arrearage of \$4,934.24 by making an additional payment of \$548.25 each month beginning in March 1, 2015 and continuing with a like payment through November 1, 2015.
- B. The Debtor shall also resume making the regular monthly mortgage payments (currently \$1,245.89) to Federal National Mortgage Association ("Fannie Mae"), creditor c/o Seterus, Inc. beginning with the February 1, 2015 payment and continuing with each month thereafter as said mortgage payments come due pursuant to the Note and Deed of Trust.
- C. In the event the Debtor shall fail to pay any payments as required by paragraphs A or B, thirty days after the date due, then and in that event the Automatic Stay of section 362 of the Bankruptcy Code will be lifted without further notice or hearing in this matter and Federal National Mortgage Association ("Fannie Mae"), creditor c/o Seterus, Inc., or any successor-in-interest, shall be allowed to proceed with the foreclosure of the aforesaid Note and Deed of Trust. This default provision shall expire eighteen (18) months after the entry of this order.
- D. In the event Federal National Mortgage Association ("Fannie Mae"), creditor c/o Seterus, Inc. obtains relief from stay as provided in this Order then F.R.B.P 4001(a)(3) shall not apply.

- E. In the event the Creditor obtains relief from stay, the Creditor shall not be required to file a Notice of Mortgage Payment Change or a response to the Trustee's Notice of Final Cure contemplated by Rule 3002.1 of the Federal Rules of Bankruptcy Procedure.
- F. In the event the Creditor obtains relief from stay, the Trustee is authorized to cease payments upon any and all pre-petition claims filed in this case by the Creditor, its successors, or assigns.
- G. The Creditor shall have 180 days to file a deficiency claim from the time the property is removed from the protection of the automatic stay. For good cause shown, an extension of time to file a deficiency claim may be granted by the Court so long as an application therefore is made within the applicable deficiency filing period.
- H. The debtors attorney shall be awarded the presumptive non-base fee of \$500.00 for his representation of the debtors in this manner, which shall be added to the chapter 13 plan and the trustee shall modify the plan as necessary to accommodate this additional claim.
- I. The Creditor's attorney fees and costs of \$676 shall be added to the chapter 13 plan, and the trustee shall modify the plan as necessary to accommodate this additional claim.
- J. The Debtor shall mail future payments to Federal National Mortgage Association ("Fannie Mae"), creditor c/o Seterus, Inc., 14523 SW Millikan Way, Suite 200, Beaverton, Oregon 97005.
- K. The Creditor is granted relief from the automatic stay to contact the Debtor by telephone or written correspondence and, at its option, offer, provide and enter into any potential forbearance agreement, loan modification, refinance agreement or other loan workout or loss mitigation agreement.

Agreed and consented to this 3rd day of March, 2015.

s/Matthew Zachary Phelan  
Matthew Zachary Phelan, Attorney for  
Federal National Mortgage Association  
("Fannie Mae"), creditor c/o Seterus, Inc.  
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[Signatures continued on next page]

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Agreed and consented to this 19<sup>th</sup> day of  
March 2015.

s/John T. Orcutt

John T. Orcutt

Attorney for Debtor

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Raleigh, NC 27615

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No objection this the 4<sup>th</sup> day of  
March 2015.

s/John F. Logan

John F. Logan, Trustee

N.C. State Bar No.: 12473

Office of The Chapter 13 Trustee

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